

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

SMARTMATIC USA CORP.,  
SMARTMATIC INTERNATIONAL  
HOLDING B.V., AND SGO  
CORPORATION LIMITED,

Petitioners,

VS.

BRANNON HOWSE,

Respondent.

) CASE NO. 2:23-MC-00034  
)  
) JUDGE MARK S. NORRIS  
)  
)  
) MAGISTRATE JUDGE ANNIE T.  
) CHRISTOFF  
)  
)  
) **UNOPPOSED MOTION FOR LEAVE TO**  
) **FILE REPLY BRIEF**  
)  
)  
)  
) Related to Action Pending in the U.S. District  
) Court of the District of Minnesota, *Smartmatic*  
) *USA Corp., et al. v. Lindell, et al.*, 22-cv-  
) 00098-WMW-JFD  
)

Smartmatic<sup>1</sup> respectfully moves the Court for leave to file the Reply in Support of Motion to Compel Compliance with Third-Party Subpoena attached hereto as Exhibit A. Under Local Rule 7.2(c), “reply memoranda may be filed only upon court order granting a motion for leave to reply. Such motion for leave must be filed within 7 days of service of the response.” L.R.7.2(c). Respondent Brannon Howse’s Response was filed on October 17, 2023. Mr. Howse claims that the documents he has produced in response to Smartmatic’s subpoena are sufficient because, as he claims, Smartmatic is merely attempting to punish him for his association with Defendant Michael J. Lindell and because the burden of complying with Smartmatic’s subpoena is too great. He also claims that, even though he agreed to sit for a deposition and he cut off communication with Smartmatic when it attempted to reschedule the deposition, Smartmatic should not be permitted to

<sup>1</sup> Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited are collectively referred to as “Smartmatic.”

depose him because it did not tender a \$40.00 check for his attendance. Based on Mr. Howse's arguments, he claims that Smartmatic's motion should be denied and it should be required to pay his attorney's fees.

Smartmatic requests leave to file the 5-page reply brief attached as Exhibit A to clarify the bases for its subpoenas and the inadequacies in Mr. Howse's attempts to evade his obligations under the Federal Rules of Civil Procedure. Smartmatic should also be permitted to file its reply brief because Mr. Howse violated Local Rule 7.2(e) by filing a 27-page Response brief. While Smartmatic has been prejudiced by the excess pages in Mr. Howse's Response and the Court has discretion to disregard Mr. Howse's brief, Smartmatic requests instead that the Court permit it to file its Reply. Smartmatic conferred with counsel for Mr. Howse, who indicated that Mr. Howse does not oppose the relief that Smartmatic seeks in this motion.

Dated: October 23, 2023

Respectfully submitted,

s/ Michael E. Bloom

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*Attorneys for Petitioners*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2023 a copy of the foregoing *Unopposed Motion for Leave to File Reply Brief* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

s/ Michael E. Bloom

One of the Attorneys for Petitioners